

## SUMMARY OF 1997 CHAPTERED LEGISLATION

### CONTROLLED SUBSTANCES

#### **AB 6 (Bowler) Chapter 560**

This bill places restrictions on the drug gamma-hydroxybutyrate, specifically by categorizing the controlled substance as a Schedule II drug which allows lawful prescription of it under limited circumstances.

#### **AB 513 (Hertzberg) Chapter 505**

This bill adds the manufacture of methamphetamine, amphetamine, or PCP to the list of offenses which receive additional terms of imprisonment depending on the weight or volume of the substances. These offenses include, but are not limited to, the unlawful possession for sale, transportation, importation, sale, or furnishing of, methamphetamine, amphetamine, or PCP.

#### **AB 904 (Miller) Chapter 553**

This bill provides for a one-year sentence enhancement for a conviction of manufacturing any controlled substance, or possession of chemical precursors of methamphetamine or PCP with intent to manufacture these drugs, where a person other than an accomplice suffers death or great bodily injury in the commission of these offenses.

#### **AB 1173 (Olberg) Chapter 397**

This bill amends reporting requirements and permit procedures for transfers of chemical precursors of controlled substances and changes regulations of laboratory equipment and chemicals.

#### **AB 1260 (Ashburn) Chapter 284**

This bill contains subject matter pertaining to welfare. It provides that an individual is not eligible for aid or non-health care benefits if he or she has been convicted, in a state or federal court after December 31, 1997, of a felony that has as an element the possession, use, or distribution of a controlled substance as defined in the Federal Controlled Substance Act or the California State Health and Safety Code. In addition, this bill provides that counties issue vouchers or vendor payments for at least rent and utilities payments, if an individual in the family was convicted of a drug felony after December 31, 1997.

#### **SB 3 (Leslie) Chapter 714**

This bill places restrictions on the drug gamma-hydroxybutyrate, specifically by categorizing the controlled substance as a Schedule II drug which allows lawful prescription of it under limited circumstances.

#### **SB 457 (Costa) Chapter 241**

This bill adds certain controlled substance and related crimes, such as manufacturing a controlled substance and possession of a false compartment to transport controlled substances, to the list of offenses subject to asset forfeiture. The bill also makes certain technical changes to the forfeiture laws.

## **CRIMINAL PROCEDURE**

### **BAIL**

#### **AB 620 (Baugh) Chapter 441**

This bill permits information identifying whether an individual has been convicted of any “violent offense” and certain other, identifying information to be furnished to a licensed bail agent or bail bond agent, upon request, after a bench warrant has been issued for a client of the agent or licensee. The agent or licensee is required to pay a fee equal to the cost of providing the information. This bill permits specified information about an individual to be released to a licensed bail agent or bail bond licensee upon request to a local law enforcement agency if a bench warrant has been issued for the bail bond agent’s or licensee’s client. The bail agent or licensee is required to pay a fee equal to the cost of providing this information. The requested information will consist of whether the individual has been convicted of any “violent felony” (as defined in Penal Code section 667.5(c)), and an unaltered copy of the booking and property record, excluding any medical information. Any information received under this provision is confidential and any violation of this confidentiality is punishable as a misdemeanor, punishable by up to six months in county jail and/or a fine up to \$1,000.

#### **AB 728 (Bowler) Chapter 34**

This bill requires a court finding of unusual circumstances before a judge can reduce the bail of a person charged with a serious felony below the amount established by the bail schedule. The bill provides that “unusual circumstances” do not include the fact that the defendant has made all prior court appearances or has not committed any new offenses.

### **COURT PROCEDURE**

#### **AB 29 (Villaraigosa) Chapter 751**

This bill establishes a procedure whereby a court may have the discretion to re-sentence or recall a sentence if a prisoner is terminally ill with an incurable condition caused by an illness or disease that will produce death within six months.

#### **AB 211 (Baca) Chapter 47**

This bill requires the court to order that the collection of a criminal justice administrative fee be in the same manner as an execution of a civil judgment.

#### **AB 216 (Wayne) Chapter 255**

This bill allows, in an infraction or misdemeanor case, the people to appeal to the Superior Court an unlawful misdemeanor sentence not authorized by the law or based upon an unlawful order of the court.

#### **AB 380 (Pacheco) Chapter 259**

This bill requires the California Judicial Council to promulgate Rules of Court requiring the trial court to notify the Attorney General whenever a judgment is entered in any case in which a state statute or regulation has been declared unconstitutional. It further provides that the Attorney General has the right to intervene and participate in any such appeal, but has no direct right of appeal.

**AB 700 (Alby) Chapter 29**

This bill extends the six-month period of forgiveness within which a criminal prosecution may be filed or refiled pursuant to the existing exemptions to the statute of limitations for felony sex offenses by providing that a charging document may be filed or refiled within 180 days after a decision by either the California Supreme Court or the United States Supreme Court, deciding whether retroactive application of these provisions are constitutional

**AB 1088 (Escutia) Chapter 571**

This bill is a “mini” omnibus bill authored by the Assembly Judiciary Committee and sponsored by the Judicial Council.

The bill provides that all papers opposing a motion and all reply papers must be served by personal delivery, FAX, express mail and must be reasonably calculated to ensure delivery to the other parties not later than the close of the next business day after the time the opposing papers or reply papers are filed.

This bill extends the sunset date, from July 1, 1997 to July 1, 2001 the Pilot Family Assessment Intervention Resource Act, which institutes early intervention and prevention programs for children and their families at risk of coming under the jurisdiction of the juvenile court as a consequence of either delinquent conduct of the child or parental abuse and neglect.

**AB 1372 (Morrow) Chapter 183**

This bill ensures that rough draft transcripts will be used properly and that only a certified transcript will remain the official record of the proceedings. In essence, this bill legislates a current practice by naming rough drafts in the applicable statute and limiting their use.

**AB 1445 (Shelley) Chapter 376**

This bill will provide that an individual shall be designated a “registered interpreter” if he or she also passes an examination offered by an entity approved by the Judicial Council. This bill will authorize a registered interpreter regularly employed by the court to file an oath, as specified.

**SB 641 (Polanco) Chapter 557**

This bill includes individuals who are arrested for felonies, other than residential burglaries, with those who must have hearings prior to being release on bail or on his or her own recognizance (OR). In addition, this bill requires that the court consider evidence regarding past court appearances of the detained person, the maximum potential sentence that could be imposed, ties to the community and ability to post bond, and the danger that may be posed to other persons if the detained person is released, including threats that have been made and past violent acts.

**SB 726 (Kopp) Chapter 541**

This bill requires the court to set a specific misdemeanor trial date in certain circumstances. The bill specifies the procedure for a misdemeanor defendant who fails to appear for a pretrial hearing despite a court order. The bill requires that when a misdemeanor defendant states that he or she is willing to set a trial date beyond the statutory time limits (but does not enter a general waiver of his or her right to have trial set within the statutory time limits), the court must set a specific trial date. The bill also states that when a misdemeanor defendant is ordered to appear in court for a pretrial hearing, but fails to appear in court, the defendant shall be brought to trial within 30 days from the next time he or she appears in court. The bill also states that this procedure does not apply if the defendant had previously agreed to a trial date that is even later or had previously entered a general waiver.

**SB 925 (Ayala) Chapter 128**

This bill provides that the district attorney and the subject of the report may inspect or copy a probation report which is submitted to the court, at any time.

**SB 1146 (Schiff) Chapter 95**

This bill provides that the question of whether a criminal defendant is the person who committed prior offenses (i.e., the question of identity) shall be decided by a judge, not the jury, except in death penalty-eligible cases and where the existence of a prior conviction is an element of the current offense.

**EVIDENCE****SB 941 (Leslie) Chapter 499**

This bill, which was sponsored by the Governor, creates a new hearsay exception for sworn statements relating to gang crimes. The statement is only be admissible if the proponent shows that the declarant is unavailable because he or she died from other than natural causes, was made under oath, was preserved through a verbatim transcript or record, and was trustworthy, as defined. The intent of this bill is to remove the incentive of gang members to kill witnesses to gang crimes and to preserve the statements of witnesses in the event that such persons die from other than natural causes.

**GRAND JURIES****AB 829 (Thomson) Chapter 443**

This bill requires grand juries to discuss the nature of their investigations with concerned agency executives and to verify the accuracy of their final reports by discussing their findings with the person or agency under investigation prior to public release of the report. This bill makes other changes designed to assist with the effectiveness and competence of grand juries.

**HABEAS CORPUS****SB 513 (Lockyer) Chapter 869**

This bill creates a California Habeas Resource Center in the Judicial Branch. The Center is permitted to employ up to 30 attorneys to represent persons sentenced to death, who are indigent and without counsel. These attorneys will perform the postconviction appeals, and preparing petitions for executive clemency. These appointments will occur concurrently with the appointment of the State Public Defender or other counsel for the purpose of pursuing the direct appeals. These attorneys will also be permitted to represent these persons in federal court and to seek compensation under federal law. The Center will also work with the Supreme Court to recruit members of the private bar to accept death penalty habeas case appointments. The Center will establish and update a roster of attorneys qualified to act as counsel in postconviction proceedings. The Center will also maintain a roster of qualified investigators and experts. The Center will also provide legal or other advice to other attorneys, where not prohibited by law. The Center will develop a brief bank of pleadings and related materials relevant to postconviction capital appeals. The Center will be required to submit an annual report to the Legislature and the Governor on the status of these cases. On or before January 1, 2000, the Legislative Analyst's Office will be required to analyze these reports.

## **JURIES**

### **AB 127 (Morrow) Chapter 509**

This bill creates a pilot project in three counties to be administered by the Judicial Council to improve the utilization of juror's time and to adopt procedures to ensure most jurors who travel to the courthouse actually serve on a jury.

## **PAROLE**

### **AB 133 (Scott) Chapter 160**

This bill provides that a person (1) convicted of a serious felony who was on parole for a felony offense at the time of the commission of the new offense; or (2) convicted of any felony while on parole for a serious felony, is ineligible for probation.

### **AB 1275 (Baca) Chapter 680**

This bill will make available statewide a pilot program, the Law Enforcement Automated Data System (LEADS), which was established in San Bernardino County in 1995 to provide specified information on parolees from the California Department of Corrections (CDC), to local law enforcement officials via computer-to-computer transfer.

### **AB 1536 (Wright) Chapter 24**

This bill expands the existing exception for the Board of Prison Terms to subpoena child abuse reports that are not unfounded and concern only current incidents upon which parole revocation proceedings are pending to include a subpoena for an employee of a county welfare department who can provide relevant evidence.

## **ENFORCEMENT AND PUNISHMENT**

### **ASSAULT AND BATTERY**

#### **AB 149 (Runner), Chapter 592**

This bill increases the fine for battery on a peace officer from \$2,000 to \$10,000.

### **BABY SELLING**

#### **SB 122 (Alpert) Chapter 185**

This bill makes it a misdemeanor for any person or agency to pay, offer to pay or receive money or anything of value for the placement for adoption or consent to adoption of a child. This bill exempts from this prohibition any fee paid for adoption services provided by the State Department of Social Services, a licensed adoption agency, specified adoption services or an attorney providing adoption legal services.

### **DISARMING A PEACE OFFICER**

#### **SB 57 (Ayala) Chapter 464.**

This bill creates a new alternate felony/misdemeanor (wobbler), punishable by up to one year in county jail or 16 months, two or three years in state prison for disarming a peace or public officer through the taking of a firearm, which does not require a finding that the defendant resisted, delayed or obstructed the peace or public officer.

### **GENERAL SENTENCING**

#### **AB 115 (Havice) Chapter 504**

This bill adds any “home invasion robbery” to the list of violent felonies contained in Penal Code section 667.5(c), thus making home invasion robbers ineligible for more than 15% of worktime credit off their sentences and permitting an incarceration for home invasion robbery to serve as a basis for the prior separate prison term enhancement. This bill also makes a cross-reference to Penal Code section 12022.53, which will be added by AB 4 (Bordonaro), the 10-20-Life bill. By adding those crimes to the “violent” felony list, 10-20-Life defendants will be limited to 15% worktime credits. Full consecutive sentencing will also be permitted as a result of these changes for these offenses.

#### **AB 210 (Hertzberg) Chapter 302**

This bill increases the penalty for attempted murder with the use of an explosive device from a determinate sentence of 5, 7, or 9 years imprisonment to an indeterminate sentence of life with the possibility of parole. The person will first be eligible for parole in seven years.

#### **AB 293 (Cunneen) Chapter 551**

This bill extends the sunset provision of the excessive taking enhancement statute from January 1, 1998, to January 1, 2008. In addition, this bill will extend the sunset provision of the Economic Crime Act of 1992, which limits probation for excessive taking situations, from January 1, 1998, to January 1, 2008.

**AB 445 (Pacheco) Chapter 412**

This bill provides that a person guilty of an attempted willful, deliberate, and premeditated murder of a peace officer or firefighter, when the person knows or reasonably should know that the victim is a peace officer or firefighter engaged in the performance of his or her duties, shall be punished by imprisonment in the state prison for 15 years to life, with no possibility of early parole eligibility because of worktime credits. Under prior law, the available sentence would be a sentence of seven years to life, with no possibility of early parole.

**AB 446 (Pacheco) Chapter 413**

This bill provides that a defendant who is convicted of second degree murder of a peace officer, committed under in certain enumerated circumstances, shall be sentenced to life without the possibility of parole, instead of the current sentence of 25 years to life. This bill will become effective if approved by the voters. This bill also includes amendments which will incorporate changes proposed to Penal Code section 190 by SB 1231 (Lewis) (Ch. 598, Stats. of 1996), to be operative if that chapter is approved at a statewide special election held in 1997 or at a later date. (See SB 1224 (Kopp), a similar bill which does not require approval by the voters.)

**AB 946 (Washington) Chapter 305**

This bill increases the potential fine for battery against a transit operator, driver, passenger, or station agent, from a maximum of \$2,000 to a maximum of \$10,000.

**AB 950 (Davis) Chapter 237**

This bill makes the second or subsequent conviction for anyone (1) while loitering, prowling, or wandering upon the private property of another, at any time, to peek in the door or window of any inhabited building or structure, where the person has no visible or lawful business with the owner or occupant; or (2) who looks through a hole or opening or views, by means of any instrumentality, into the interior of a room, where the occupant has a reasonable expectation of privacy, with the intent to invade that privacy, punishable by imprisonment in a county jail not exceeding one year, by a fine not exceeding \$1,000, or by both. It also authorizes the court to require the defendant, as a condition of probation, to participate in a counseling program.

**AB 995 (Pacheco) Chapter 591**

This bill creates a new offense of “gassing” a correctional officer or employee, an aggravated form of battery in which feces, urine, blood, or other bodily excrement is thrown at the correctional officer. “Gassing” is defined as intentionally throwing any mixture of human excrement or other bodily fluids or substances at another person. The penalty will be 2, 3, or 4 years in the state prison. This bill requires the Department of Corrections to submit a report to the Legislature by January 1, 2000, detailing certain information relating to gassing incidents and the correctional response. The bill also provides that the section created by the bill will sunset on January 1, 2001.

### **SB 721 (Lockyer) Chapter 750**

This bill is the California District Attorneys Association-sponsored reform of consecutive sentencing law. It removes many of the confusing caps and lids on consecutive sentencing. This bill will:

- (1) Eliminate the rule that states that if a defendant is sentenced consecutively for at least two subordinate felonies (none of which is violent), the total prison sentence may not exceed twice the base term selected by the court for the principal offense (except in certain circumstances).
- (2) Eliminates the rule that states that if a defendant is charged with at least two enhancements for infliction of great bodily injury and/or use of a specified weapon, the court may only sentence the defendant to the greatest of those enhancements (except in specified circumstances).
- (3) Provides that if a defendant is charged with at least two enhancements for infliction of great bodily injury, the court may only sentence the defendant to the greatest of those enhancements.
- (4) Provides that if a defendant is charged with at least two enhancements for the use of a weapon, the court may only sentence the defendant to the greatest of those enhancements.
- (5) Provides that if a defendant is sentenced consecutively for a subordinate, violent felony, the judge must sentence him or her to one-third of the term imposed for any applicable enhancement that the prosecutor charges and proves.
- (6) Provides that if a defendant is sentenced consecutively for at least two kidnappings (involving separate victims), the judge must sentence him or her to the full term imposed for any applicable enhancement to the kidnapping(s) that the prosecutor charges and proves.
- (7) Eliminates the rule that states that if a defendant is convicted of kidnapping the same victim on at least two separate occasions, the consecutive sentence for the subordinate kidnapping(s) must be the middle term of the kidnapping(s) and one-third of any specified enhancements (and may exceed five years in prison).
- (8) Eliminates the portion of the main sentencing statute that lists the specified enhancements a judge may strike in his or her discretion.
- (9) Eliminates the rule that states that if a defendant is sentenced to a consecutive, subordinate term for threatening a witness with great bodily injury or death in certain circumstances, the total term for all the subordinate offenses may not exceed 15 years in prison.
- (10) Provides that if a defendant is sentenced for a felony and is also sentenced to a consecutive, subordinate term for threatening or dissuading a witness in certain circumstances regarding the first felony (or commits a felony violation of Penal Code section 653f in addition to the first felony), the total term for all subordinate offenses may exceed five years in prison.
- (11) Eliminates the rule that states that the total consecutive subordinate term for conviction of more than one residential burglary may not exceed 10 years in prison.
- (12) Eliminates the rule that states that the total consecutive subordinate term for conviction of more than one residential robbery may not exceed 10 years in prison.

### **SB 805 (Alpert) Chapter 357**

This bill, in the case of a person who furnishes or causes an alcoholic beverage to be furnished to a minor, increases the penalties under the Alcoholic Beverage Control Act to a fine of \$1,000 and not less than 24 hours of community service.

### **SB 914 (Brulte) Chapter 410**

This measure clarifies Penal Code section 654, which provides that if an offense is punishable under multiple provisions of law, the offender may be punished for any of the offenses, but not for all of them. This bill provides that the judge must sentence the defendant under the provision carrying the highest penalty, if the crime is punishable in different ways under different provisions of the law. This bill also extends the sunset date of a provision relating to arraignments in Nevada County. It is scheduled to sunset on January 1, 1998. This bill extends that date to January 1, 2001.



**SB 1177 (Johnson) Chapter 493**

This bill requires a person granted probation for a second or subsequent driving under the influence (DUI) conviction, or a second or subsequent driving under the influence with great bodily injury conviction, who is ordered to complete a drinking driver treatment program to complete all of the required program subsequent to the date of the current violation and would prohibit those persons from receiving credit for any program activities completed prior to that date.

**SB 1224 (Kopp) Chapter 465**

This bill provides that anyone who commits second degree murder of a peace officer is guilty of a felony, punishable by life in prison without the possibility of parole, if all of the following are true: (1) the victim was killed while performing peace officer duties; (2) the defendant knew the victim was a peace officer; and (3) the defendant intended to kill or inflict great bodily injury, or personally used a gun. Under prior law, the penalty was an indeterminate term of 25 years to life. (See the discussion of AB 446 (Pacheco), a similar bill, which will take effect only when approved by the voters at the next statewide election.)

**HATE CRIMES****AB 51 (Murray) Chapter 740**

This bill will (1) expand the aggravated arson statute to treat the burning of a place of worship as a “one strike” offense subject to a 10 years-to-life sentence if the defendant acted with intent as defined in the aggravated arson statute; and (2) applies a hate crime enhancement to crimes against places of worship.

**PROPERTY CRIMES****AB 143 (Cunneen), Chapter 161**

This bill makes any commercial dealer in personal property guilty of receiving stolen property (alternate felony/misdemeanor) when that individual obtains property of a value greater than \$400 and a (misdemeanor) when that individual obtains property of a value less than \$400 under circumstances where the person should have known the property was stolen. These provisions apply to every person whose principal business is dealing in or collecting any merchandise or property, not just used for secondhand merchandise or personal property.

**TRESSPASSING****SB 4 (Kopp) Chapter 379**

This bill makes it a misdemeanor to climb on any suspender rope of a bridge or to trespass on any portion of the bridge or property that is not intended for public use.

**FIREARMS****AB 4 (Bordonaro) Chapter 503**

This bill will significantly increase the penalties associated with personal use, firing, and inflicting injury with a firearm during the commission of one of 18 enumerated serious felonies. The penalty will be an enhancement of 10 years if the person is personally armed with the firearm, 20 years if the firearm is discharged, and 25 years to life imprisonment if bodily injury is inflicted. For the 25-life penalties, the offenses of shooting at an inhabited dwelling or aircraft and drive-by shootings are included. Worktime credits will be limited to 15% for defendants falling under these provisions.

**AB 78 (Granlund) Chapter 158**

Among other things, this bill provides for an exemption from the prohibition against possessing certain illegal weapons and devices for persons who are not in a prohibited class, who possess the weapon only as long as necessary to turn it in, and are transporting the weapon or device to a law enforcement agency for disposition according to law. This bill also provides for a similar exemption involving the possession of a firearm with the additional requirement that the person gives prior notice to law enforcement. This bill also provides an exemption from the above prohibition for forensic laboratories or any authorized agent or employee thereof in the course and scope of his or her authorized duties. This bill will also specify that a nonlocking folding knife, a folding knife that is not a switchblade knife having a blade 2 or more inches in length, or a pocketknife is a dirk or dagger and thereby prohibited only if the blade of the knife is exposed and locked into position. This bill will also provide for an exemption for those who are prohibited from owning or possessing a firearm or ammunition if certain specified conditions are met.

**AB 202 (Scott) Chapter 593**

This bill adds military practice grenades and metal replica grenades to the list disguised firearms and deadly weapons that are illegal for manufacture, import, sale, gift, loan, or possession and prohibits the advertisement for sale of these devices. This bill also makes a first offense involving any metal military practice handgrenade or metal replica handgrenade an infraction unless the offender is an active participant in a criminal street gang in which case it will be an alternative of a felony or misdemeanor. This bill contains other related measures.

**AB 304 (Scott) Chapter 459**

This bill expands existing law's prohibition on a person carrying a concealable firearm concealed in a vehicle under his or her custody or control to include any person who causes such firearms to be carried concealed in a vehicle in which he or she is an occupant.

**AB 477 (Leonard) Chapter 260**

This bill enables an issuing authority to require two sets of fingerprints for the purpose of obtaining a criminal history check on individuals seeking to purchase, transport, store and use explosives or destructive devices. This bill also eliminates the felony crime of possession of a firebomb and, instead, provides that possession of any "incendiary device" or flammable substance with the intent to burn any property or forest land is an alternate misdemeanor/felony.

**AB 491 (Keeley) Chapter 460**

This bill expands the crime of criminal storage of a firearm to establish that when a person keeps a loaded firearm within any premises that is under his or her custody or control and he or she knows or reasonably should know that a child under the age of 16 years (current law is 14) is likely to gain access to the firearm without the permission of the child's parent or legal guardian and the child obtains access to the firearm and either injures himself or someone else, exhibits the firearm as specified, or carries the firearm to a public place, or takes other specified action, the person is guilty of a wobbler or a misdemeanor. This bill also further expands the crime of criminal storage of a firearm so that it applies to an unloaded, concealable firearm. This bill also requires a firearms dealer to post a notice on the licensed premises of the duties imposed by the above provisions upon any person who keeps either a loaded firearm or a firearm capable of being concealed upon the person.

**AB 688 (Bowler) Chapter 143**

This bill deletes, for purposes of banning firearm possession until the age of 30 (with regard to juvenile offenders), the specific statutory requirement that the person be found to be a fit and proper subject to be dealt with under the juvenile court law, thus expanding the prohibition and penalty to all juveniles who are wards of the court for specified offenses.

**AB 689 (Bowler) Chapter 235**

This bill authorizes the Department of Justice (DOJ) to participate in the National Instant Criminal Background Check System (NICS) related to the purchase of firearms. It also makes changes relating to the transfer of firearms to law enforcement personnel. In addition, this bill requires any application that requires any firearms eligibility determination involving the issuance of any license, permit, or certificate to include two copies of the applicant's fingerprints, with one copy going to the Federal Bureau of Investigations.

**AB 991 (Shelley) Chapter 462**

This bill requires a person who moves into California after January 1, 1998, with a handgun acquired outside of California to within 60 days of bringing that handgun into this state, register the handgun with the Department of Justice (DOJ). This bill also requires California residents who are federally licensed "curio and relic" firearms collectors, who lawfully acquire a curio or relic handgun outside this state, to report the acquisition of that firearm to DOJ within five days of transporting the firearm into this state. Violations of these provisions is a misdemeanor.

In addition, this bill states the legislative intent that it is a defense to a late reporting violation where the sole evidence of the violation is the result of the person reporting his or her ownership. This bill will exempt from the prohibition of carrying a concealed firearm the transportation of a firearm by a person in order to comply with this statute and where a person finds a firearm and is transporting it to a law enforcement agency.

This bill will also require the submission of two sets of fingerprints at the time of registration and authorizes DOJ to utilize the National Instant Criminal Background Check System (NICS) for the registration check. This bill will also require DOJ to conduct a public education and notification program regarding the requirements for new residents to register handguns in order to ensure a high degree of publicity about the requirement. This bill will also require the Department of Food and Agriculture to display notices concerning these requirements at its border inspection stations.

**AB 1221 (Aroner) Chapter 463**

This bill will expand existing law's prohibition on selling ammunition or reloaded ammunition to a minor under 18 years to prohibit the sale of ammunition or reloaded ammunition designed and intended for use in a pistol, revolver or other firearm capable of being concealed upon the person to a person under the age of 21 years. This bill will also provide that where ammunition or reloaded ammunition may be used in both a rifle and a handgun, federal law shall be considered for purposes of enforcing the above provision.

**AB 1308 (Cardenas) Chapter 446**

This bill authorizes peace officers of the Department of General Services of the City of Los Angeles to carry firearms, if authorized, and under the terms and conditions specified by their employing agency.

**AB 1468 (Runner) Chapter 744**

This bill will authorize a sheriff or chief of police to issue a license to carry a concealed firearm to a person who has been deputized or appointed a reserve or auxiliary peace officer by that sheriff or chief of police regardless of the residency of the individual. It will also provide that the license will be valid for up to three years or until the conclusion of that person's appointment, whichever occurs first. This bill will also waive the fee for that license.

**SB 146 (Johnston) Chapter 408**

This bill will provide that a chief of police only has the authority to issue a permit to carry a concealed weapon (CCW) to residents of the chief's city. This bill will prevent a chief from issuing CCWs to residents of other cities or unincorporated areas of the county.

**JUVENILE CRIME/GANGS****GANG VIOLENCE****AB 853 (Hertzberg) Chapter 506**

This bill will establish the "Community Law Enforcement and Recovery Demonstration Project" (CLEAR), a multiagency gang intervention program, administered by the City of Los Angeles under a joint powers agreement with the Los Angeles County Sheriff's Department (L.A.S.D.), the Los Angeles County District Attorney's Office (L.A.D.A.), the Los Angeles County Probation Department, the Los Angeles City Attorney, and the Los Angeles Police Department (L.A.P.D.). The bill appropriates \$1.2 million to the City of Los Angeles to administer the program.

The parties to the program are allocated the following appropriations:

- \$200,000 to the Gang Intervention Coordinator
- \$248,000 to the L.A.P.D.
- \$141,000 to the L.A. City Attorney
- \$300,000 to the L.A.S.D.
- \$169,000 to the L.A.D.A.
- \$142,000 to the Los Angeles County Probation Department

The purpose of this bill is to target criminal gang activity in the Greater Los Angeles Area. The program was created in response to the activities of the 18<sup>th</sup> Street Gang.

**AB 963 (Keeley) Chapter 885**

This bill will require the Department of Justice to administer the California Gang, Crime, and Violence Prevention Partnership Program. This bill appropriates \$3 million to implement the program. The purpose of the program is to provide for prevention and intervention activities for at-risk youth.

## **JUVENILE CONFIDENTIALTY/DISCLOSURE OF NAMES**

### **SB 388 (Karnette) Chapter 341**

This bill will permit law enforcement agencies to release the name of a juvenile, age 14 or older, who is accused of committing specified types of murder, if there is an arrest warrant outstanding for the minor. Any releases of information under this provision will be required to be reported to the presiding judge of the juvenile court.

This authority will sunset on January 1, 2000.

### **SB 526 (Hayden) Chapter 907**

This bill requires the Department of the Youth Authority to purchase 2 medical devices that utilize a laser to remove a tattoo from a person's skin and to place one in Los Angeles County and one within any of specified San Francisco Bay area counties, selected as specified in conjunction with the Office of Criminal Justice Planning. This bill appropriated \$250,000 from the General Fund for purposes of the purchase and requires the Department of the Youth Authority to report to the Legislature on this program by March 1, 2000.

### **SB 1058 (Schiff) Chapter 130**

This bill will permit law enforcement to seek an order from the presiding judge of the juvenile court permitting them to release the name and other information necessary to identify a juvenile who is lawfully sought for arrest as a suspect in the commission of specified serious (i.e., Welfare and Institutions Code section 707(b)) felonies where the disclosure is "imperative" for the apprehension of the juvenile. The bill will also require law enforcement to produce specified support documentation.

## **JUVENILE COURT**

### **AB 622 (Miller) Chapter 348**

This bill, which was sponsored by the Governor, will permit a peace officer to cite and release a juvenile offender, except for an offense involving a firearm to Juvenile Traffic Court. This bill also provides that in counties where an Expedited Youth Accountability Program is operative, which will be created by AB 1105 (Hertzberg), a peace officer will be permitted to issue a citation and written promise to appear in juvenile court or record the minor's refusal to sign the promise to appear and serve notice to appear in juvenile court.

### **AB 1105 (Hertzberg) Chapter 679**

This bill will revise the duties, name, procedures, and remedies available for juvenile traffic hearing officers. The bill will also establish in Los Angeles County, and permit the establishment in other counties, of an Expedited Youth Accountability Program, with specified components. In general, the effect of these changes will be to speed up the disposition of juveniles accused of committing less serious offenses with the intent of holding a larger percentage of such juveniles accountable for their offenses. The Governor is co-sponsored this measure.

## **JUVENILE CRIME PREVENTION/EDUCATIONAL PROGRAMS**

### **AB 367 (Havice) Chapter 935**

This bill will establish the Community Policing and Mentoring for School Safety Program, to be administered by the State Department of Education.

**AB 640 (Aguiar) Chapter 678**

This bill will authorize the county superintendent of school, with the approval of the county board of education and board of supervisors, to establish and maintain classes or schools for at-risk pupils in any high school academy in the San Bernardino County. Further, it will appropriate moneys from the General Fund to the Board of Corrections for allocation to the San Bernardino County Sheriff's Department for the development and implementation of a pilot project to be known as the Juvenile Crime Reduction and Education Academy Pilot Project, for the purpose of reducing juvenile delinquency.

**SB 1050 (Alpert) Chapter 909**

This bill will authorize counties to establish an "At-Risk Youth Early Intervention Program" designed to assess and serve families with children who have chronic behavioral problems that place the child at-risk of becoming a ward of the Juvenile Court under Section 601 or 602 of the Welfare and Institutions Code.

The bill appropriates \$2,000,000 to the County of San Diego for support of an At-Risk Youth Early Intervention Program.

**SB 1095 (Lockyer) Chapter 340**

This bill will create the High-Risk Youth Education and Public Safety Program. The program will assist county offices of education and school districts to implement prevention and early intervention strategies for youth who are seriously at risk of becoming chronic, repeat offenders.

**JUVENILE SENTENCING****AB 1152 (Poochigian) Chapter 267**

This bill will provide that the unauthorized removal, by a minor, of an electronic monitor and violation of the terms and conditions of probation relating to the proper use of the monitor for more than 48 hours constitutes a misdemeanor. This bill also will authorize restitution as part of the punishment if the monitoring device is damaged or discarded.

**PARENTAL ACCOUNTABILITY****AB 761 (McClintock) Chapter 903**

This bill clarifies the authority of juvenile courts regarding ensuring the appearance of parents in juvenile delinquency proceedings.

**SB 238 (Haynes) Chapter 478**

This bill will provide that parents and other persons otherwise liable for the support of a child shall not be liable for the reasonable costs of supporting the child if the child is placed in a juvenile facility upon a finding by a court of law that the minor committed a crime against the parent or other person supporting the child.

**SCHOOL VIOLENCE****AB 259 (Scott) Chapter 417**

This bill permits county boards of education to have a hearing officer or impartial administrative panel hear an expulsion appeal and to submit a recommended decision.

**AB 307 (Kaloogian) Chapter 405**

This bill adds making terrorist threats, threatening to disrupt school activities, or committing similar acts grounds upon which a pupil may be suspended or expelled.

**AB 412 (Wildman) Chapter 637**

This bill will revise the list of acts for which a pupil may be suspended or expelled from school, as specified.

**AB 1610 (Ortiz) Chapter 588**

This bill prohibits school districts from employing individuals in a position not requiring certification until the Department of Justice (DOJ) completes its obligations regarding the arrest and conviction information. This bill also requires employers who contract with a school district to provide specified services to submit or have submitted their employees' fingerprints if the employees will have more than limited contact with pupils and will prohibit an employee with a conviction of a specified felony from coming into contact with pupils. In addition, AB 1610 requires the governing board of each school district to report, as specified, to DOJ whether or not a criminal background check has been completed on each employee.

**AB 1612 (Alby) Chapter 589**

This bill requires the Commission on Teacher Credentialing (CTC) to deny a teaching credential to an individual who has been convicted of a serious or violent felony, prohibits a board of education from issuing a temporary certificate to a person who has been convicted of a serious or violent felony, and provides that no person who has been convicted of a serious or violent felony shall be employed by a school district in any position unless the person has received a certificate of rehabilitation and pardon. AB 1612 is double-joined to AB 1610 (Ortiz).

**SB 16 (Knight) Chapter 212**

The Penal Code provides that any person who explodes, ignites, or attempts to explode or ignite any destructive device or explosive, or who commits arson, in or about any of several specified places is guilty of a felony, punishable by 3, 5, or 7 years imprisonment. This bill expands the list of places covered by this provision by adding any public or private school providing instruction in kindergarten or grades 1-12.

**SB 187 (Hughes) Chapter 736**

This bill will make each school district and county office of education responsible for the overall development of comprehensive school safety plans or its schools.

**SB 366 (Hughes) Chapter 117**

This bill requires the Commission on Peace Officer Standards and Training (POST) to review minimum selection and training standards for peace officers and school security officers who are employed by school districts and to report its findings and recommendations to the Legislature by January 1, 1998. Money appropriated in the Budget Act of 1996 for the training program operated by the Simon Weisenthal Center-Museum of Tolerance shall be allocated to carry out the provisions of this bill.

**TATTOOING****AB 99 (Runner) Chapter 741**

This bill will make it an infraction, until January 1, 2005, for any person to perform body piercing, as defined, upon a person under the age of 18.

**AB 186 (Brown) Chapter 742**

This bill will require the Department of Health Services to establish and adopt safety standards for persons engaged in the business of tattooing, body piercing, and permanent cosmetics; requires persons engaged in the business of tattooing, body piercing and permanent cosmetics to register with and pay a fee to their county health department; requires annual inspections by county health departments; and establishes a task force to recommend legislation to address the health of persons seeking tattooing, body piercing and permanent cosmetics.

## **WARRANTS**

### **AB 1325 (Bordonaro) Chapter 447**

This bill revises provisions in existing law authorizing the issuance of a warrant of arrest for a minor to additionally authorize the issuance of a such a warrant if (a) personal service upon the minor is unsuccessful or the whereabouts of the minor are unknown, and all reasonable efforts to locate the minor have failed; or (b) the minor has willfully evaded service of process.

## **YOUTH AUTHORITY**

### **SB 590 (Johnson) Chapter 125**

This bill will authorize a probation officer to establish stores in local juvenile facilities.

### **SB 1204 (Schiff) Chapter 281**

This bill will require the California Youth Authority to annually recognize certain participants in youth mentoring programs.

## **LAW ENFORCEMENT OFFICERS**

### **SB 786 (Knight) Chapter 127**

This bill modifies existing provisions for reserve peace officers by consolidating the training requirements and peace officer authority of level I reserve officers, and revising the training and supervision requirements of levels II and III reserve officers.

## **VIOLENCE AGAINST WOMEN AND CHILDREN**

## **CHILD ABUSE/MOLESTATION/PORNOGRAPHY**

### **AB 102 (Cunneen, Alby and Kuehl) Chapter 848**

This bill specifies that a defendant who commits or attempts to commit specified acts of domestic violence and is or has been a member of the household of a minor or of the victim of the offense, or the defendant is a marital or blood relative of the minor or the victim, or the defendant or the victim is the natural parent, adoptive parent, stepparent or foster parent of the minor and the offense contemporaneously in the presence of, or was witnessed by, the minor shall be considered a circumstance in aggravation of the crime in imposing a sentence. This bill also recommends that the Judicial Council revise Rule 421 of the California Rules of Court to add to the circumstances in aggravation of a crime that a temporary restraining order protecting the victim of the crime from the defendant was in effect and that the victim was pregnant at the time of the offense and the defendant knew or reasonably should have known of the victim's condition.

### **AB 181 (Kuykendall) Chapter 590**

This bill expands the definition of seduction of a minor to include e-mail messages on the Internet. It amends existing law prohibiting one from distributing material or sending messages of a prurient nature to a minor with the intent to seduce the minor and also prohibit the use of the Internet, e-mail or on-line service with the intent to seduce a minor. This bill also holds harmless Internet service providers, commercial on-line service providers and cable television companies, which will not be criminally liable under this statute for the actions of subscribers.



**AB 200 (Kuehl and Alby) Chapter 849**

This bill declares that it is the policy of this state that the health, safety and welfare of children shall be the court's primary concern in determining the best interest of children when making orders regarding custody or visitation. This bill also requires that, if custody is granted to a parent who is alleged to have a history of committing child or domestic abuse, or habitually or continually using alcohol or illegal drugs, as specified, the court's order shall specify the court's reasons and any order regarding custody or visitation shall be specific as to the time, day, place and manner of transfer of the child, as specified, except where the parties stipulate to custody or visitation.

**AB 273 (Sweeney) Chapter 134**

This bill provides that any defendant placed in a counseling program as a condition of probation for any child or family abuse case must pay all fees due the counseling program before the terms of probation can be lifted. The bill will also provide that the probation period not exceed the period in existing law. This bill was amended on 6/17/97 to provide that if the court finds that the defendant does not have the ability to pay the fees based on the defendant's changed circumstances, the court may reduce or waive the fees.

**AB 1065 (Goldsmith/Solis) Chapter 844**

This requires the Department of Justice to make available specified child abuse information concerning relative caregivers to child protective agencies, as specified. This bill also requires that all moneys received from DOJ for processing trustline applications for purposes of provisions contained in AB 753 relating to child care provider registration be deposited in a special account in the General Fund created by this bill and named the Department of Justice Child Abuse Fund. The moneys in this fund will be available, upon appropriation by the Legislature, for expenditure by DOJ to offset the costs incurred to process trustline applications.

**AB 1222 (Wright) Chapter 594**

This bill will prohibit a person from obtaining custody of, or visitation with, a child if the person has been convicted of rape and the child was conceived as a result of that crime.

**SB 97 (Alpert) Chapter 243**

This bill adds cases involving elder abuse or child abuse or molestation to the list of cases, including domestic violence under certain conditions, for which civil compromise is prohibited.

**SB 468 (Rainey) Chapter 453**

This bill authorizes, upon adoption of a resolution by the board of supervisors of a county, any county child welfare agency to secure from municipal, county or state law enforcement personnel a criminal record through the California Law Enforcement Telecommunications System (CLETS) or an automated mobile and fixed location finger print identification system for the purpose of assessing any relative agreeing to receive and care for a minor and all other adults living in the relative's residence, before the minor will be placed with the relative.

**SB 644 (Polanco) Chapter 842**

This bill allows for access by child death review team's chairperson or chair person's designee, child protective agencies and out-of-state law enforcement agencies to the Child Abuse Central Index ("Index") maintained by the Department of Justice (DOJ), and requires "unsubstantiated" reports to be purged from the Index after 10 years. This bill requires DOJ to make available specified information to child protective agencies or court investigators responsible for placing children or assessing the possible placement of children. This bill requires child protective agencies to provide notice to a known or suspected child abuser that his or her name is being reported to the Index, and allows the person access to the underlying investigative reports.

**SB 1302 (Leslie) Chapter 586**

This bill requires every human resource agency or employer to notify the parents or guardians of any minor who will be supervised or disciplined by an employee or volunteer if that volunteer or employee has a conviction for any sex or controlled substance offense at least 10 days prior to the day the employee or volunteer begins his or her duties or tasks. This bill applies to agencies and employers who are authorized or required under existing law to request from the Department of Justice records of all convictions of a person who applies for employment or a volunteer position in which he or she will have minors in his or her care.

**DOMESTIC VIOLENCE/STALKING LEGISLATION****AB 45 (Murray) Chapter 847**

This bill expands the definition of felony “domestic violence injury” to include non-cohabiting partners and relationships and requires courts to provide a copy of protective orders to all interested parties. This bill also allows judges or commissioners to set bail to in an amount necessary to protect the victim and victim’s family from any further abuse.

**AB 102 (Cunneen, Alby and Kuehl) Chapter 848**

This bill specifies that a defendant who commits or attempts to commit specified acts of domestic violence and is or has been a member of the household of a minor or of the victim of the offense, or the defendant is a marital or blood relative of the minor or the victim, or the defendant or the victim is the natural parent, adoptive parent, stepparent or foster parent of the minor and the offense contemporaneously in the presence of, or was witnessed by, the minor shall be considered a circumstance in aggravation of the crime in imposing a sentence. This bill also recommends that the Judicial Council revise Rule 421 of the California Rules of Court to add to the circumstances in aggravation of a crime that a temporary restraining order protecting the victim of the crime from the defendant was in effect and that the victim was pregnant at the time of the offense and the defendant knew or reasonably should have known of the victim’s condition.

**AB 200 (Kuehl and Alby) Chapter 849**

This bill declares that it is the policy of this state that the health, safety and welfare of children shall be the court’s primary concern in determining the best interest of children when making orders regarding custody or visitation. This bill also requires that, if custody is granted to a parent who is alleged to have a history of committing child or domestic abuse, or habitually or continually using alcohol or illegal drugs, as specified, the court’s order shall specify the court’s reasons and any order regarding custody or visitation shall be specific as to the time, day, place and manner of transfer of the child, as specified, except where the parties stipulate to custody or visitation.

**AB 273 (Sweeney) Chapter 134**

This bill provides that any defendant placed in a counseling program as a condition of probation for any child or family abuse case must pay all fees due the counseling program before the terms of probation can be lifted and that the probation period not exceed the period in existing law.

**AB 340 (Alby) Chapter 48**

This bill provides that in those cases in which a complaint, information or indictment charging a crime of domestic violence has been issued, a restraining order or protective order against the defendant issued by the criminal court in that case has precedence over any other outstanding court order against the defendant.

**AB 350 (Firestone) Chapter 169**

This bill authorizes a judicial officer to issue an ex parte emergency protective order where a peace officer, as defined, asserts reasonable grounds to believe that a person is stalking another person. It specifies procedures for issuance of the order and requires the Judicial Council to adopt forms, instructions and rules for carrying out the bill. This bill also creates a crime by making any intentional disobedience of any emergency protective order authorized by the bill punishable as a contempt of court, but will provide, in lieu of that punishment, for a violation to be punishable as felony stalking under specified circumstances.

**AB 356 (Figueroa) Chapter 347**

This bill revises the requirements for the service of court orders in family law matters, extending the immunity of law enforcement officers from civil liability for service of those orders in good faith. It also provides that service by mail of a restraining or protective order be permitted if the order does not differ from a prior temporary order. This bill requires the Judicial Council to establish uniform forms for protective orders, emergency protective orders and a standardized custody and visitation schedule for use with these forms to be used by all trial courts.

**AB 649 (Napolitano) Chapter 176**

This bill provides that life insurers may not refuse to accept an application for insurance, refuse to issue or renew a policy, cancel a policy or deny coverage under any policy because the applicant for insurance or any person who is or will be insured is, or has been, a victim of domestic violence, except as specified.

**SB 115 (Burton) Chapter 18**

This bill eliminates civil compromise in all domestic violence cases.

**SB 215 (Alpert) Chapter 69**

This bill adds cases involving allegations of domestic violence to those cases constituting good cause for a continuance.

**SB 350 (Lee) Chapter 9**

This bill specifies how \$11,435,000 in federal funds will be appropriated pursuant to the STOP (Services-Training-Officers-Prosecutors) Violence Against Women Program Formula Program that implements a portion of the Violence Against Women Act (VAWA) of 1994. This bill provides that up to 5% of this appropriation be transferred, upon the approval of the Director of Finance, to the Office of Criminal Justice Planning to administer these programs. This bill also requires that all entities receiving the funds to report annually to the Legislature and the Office of Criminal Justice Planning on the activities and accomplishments of each individual project or program, including an account of all public and private funds received by the entities for the previous year.

**SB 564 (Solis) Chapter 396**

This bill authorizes a court to issue an ex parte order regarding visitation of a minor child under the Domestic Violence Protection Act (DVPA) if the parties are the parents of the child, regardless of their marital relationship.

## **ELDER ABUSE**

### **AB 870 (Hertzberg) Chapter 444**

This bill will require every city police officer or deputy sheriff at a supervisory level and below to complete an elder abuse training course.

### **SB 97 (Alpert) Chapter 243**

This bill adds cases involving elder abuse or child abuse or molestation to the list of cases, including domestic violence under certain conditions, for which civil compromise is prohibited.

### **SB 1238 (Johannessen) Chapter 698**

This bill adds a sentence enhancement of 3 years to the 2, 3 or 4 year prison sentence for inflicting unjustifiable physical pain, mental suffering, great bodily injury or death to an elder or dependent adult if the victim suffers great bodily injury or an enhancement of an additional 5 years if the victim is 70 years of age or older. If this crime causes the death of a victim, the defendant shall receive an additional 5 years or if the victim is over 70 the defendant shall receive an additional 7 years.

## **RAPE AND RELATED SEX CRIMES**

### **AB 59 (Brown) Chapter 817**

This bill increases the penalty for kidnapping to commit rape, spousal rape, forcible oral copulation, sodomy and lewd conduct on a child under 14 years of age, so as to equal the penalty for kidnapping for robbery – life with the possibility of parole. This bill will add kidnapping with the intent to commit rape, spousal rape, oral copulation, sodomy, lewd or lascivious acts and rape by instrument to the list of sex offenses specified to the definition of a habitual sexual offender. This bill will expand the type of kidnapping crimes for which 9-year and 15-year enhancements apply, will add specified types of kidnapping to the list of felonies for which credit cannot be earned, adds specified crimes to the list of crimes under Penal Code Section 290 for which the offender has to register, provides that the court may add both one enhancement for weapons and one enhancement for great bodily injury in cases of kidnapping to commit robbery or kidnapping during, and in order to facilitate the commission of a robbery.

### **AB 327 (Havice) Chapter 83**

This bill will add both statutory rape when the offender is over the age of 21 and the victim under 16 years of age and lewd or lascivious acts committed with a child of 14 or 15 years of age by a perpetrator who is more than 10 years older than the victim to the Child Abuse and Neglect Reporting Act.

### **AB 685 (Wayne) Chapter 209**

This bill expands the definition of “detention facility,” to include a health facility, as defined, in which the victim has been detained involuntarily for purposes of existing law that criminalizes specified sexual activity by a staff member with a confined consenting adult. Under existing law a first violation is a misdemeanor and a second violation is a felony.

### **AB 700 (Alby) Chapter 29**

This bill extends the six-month period of forgiveness within which a criminal prosecution may be filed or refiled pursuant to the existing exemptions to the statute of limitations for felony sex offenses by providing that a charging document may be filed or refiled within 180 days after a decision by either the California Supreme Court or the United States Supreme Court, deciding whether retroactive application of these provisions are constitutional.

**AB 793 (House) Chapter 371**

This bill will expand the list of violent felonies to include rape-in-concert and foreign-object rape, and in the process codify a 1981 Attorney General Opinion by then Attorney General George Deukmejian. The effect of this bill will leave no doubt that if a person has previously served a term for a violent felony, including these two crimes, and is convicted of a second violent felony, including these two crimes, his or her sentence will be increased by 3 years. In addition, the usual 5-year limitation and double-the-base-term limitation on subordinate terms and enhancements on subordinate terms do not apply to violent felonies. In addition, restrictive bail and probation rules apply as well as a 15% limit on credits that reduce time served.

**AB 1222 (Wright) Chapter 594**

This bill will prohibit a person from obtaining custody of, or visitation with, a child if the person has been convicted of rape and the child was conceived as a result of that crime.

**SB 186 (Solis) Chapter 109**

This bill closes a loophole in California law that allows violent felons convicted of attempted sex crimes to escape the sentence enhancements for causing great bodily injury or using a firearm during the commission of those offenses. This bill will not affect the penalty for personal use of a firearm during the attempted commission of a sex crime, which is already 3, 4 or 10 years, but it will raise the enhancement for use of a deadly weapon during the attempted commission of a sex crime from 1 year to 3, 4 or 5 years. SB 186 creates an enhancement, where there is currently none, for arming with a deadly weapon to 1, 2 or 5 years. It also increases the penalty enhancement for great bodily injury committed during attempted sex offenses from the general enhancement of 3 years to a 5-year term imposed on great bodily injury during the commission of completed sex crimes.

**SB 939 (Schiff) Chapter 207**

This bill makes it a crime for any person to flee to this state with the intent to avoid prosecution for, or custody or confinement imposed for the conviction of specified sex offenses committed in the jurisdiction from which the person fled. This bill imposes a 2-year sentence enhancement for a conviction of any felony sex offense, as specified, committed after fleeing to this state under the circumstances described in this bill.

**SEX OFFENDER REGISTRATION****AB 213 (Wildman) Chapter 80**

This bill clarifies that the registration requirements for specified sex offenders applies to persons who have been convicted of an offense in another state court that, if committed in this state, would have been punishable as a sex offense in this state. It requires the registration to include a notice to these persons that they have a duty to register in any state where they may relocate. AB 213 also requires the Attorney General to work with local law enforcement agencies to determine whether the existing state registry of sex offenders is meeting the needs of law enforcement and to work with Attorney Generals of other states to enact amendments to existing registration law to inform persons of their duty to register when they move to any state. AB 213 also meets one of the requirements of the federal Jacob Wetterling Act, which is necessary for California to avoid forfeiting federal funding for anti-drug programs.

**AB 290 (Alby) Chapter 821**

This bill applies current registration requirements for specified sex offenders to persons found guilty in the guilt phase of a trial for an offense subject to registration but who are found not guilty by reason of insanity. It deletes the crime of loitering around a public toilet for purposes of lewd and lascivious act from the offenses that trigger the registration requirement and exempts persons who were convicted of certain offenses prior to January 1, 1976, from registering, under certain conditions. This bill also prohibits any entity from charging a person a fee to register or update a registration pursuant to this provision. AB 290 requires the person to pre-register upon incarceration, placement, commitment or prior to release on probation and will prohibit the person's release until he or she has signed the form and provided the address information required to be obtained and reported. When the person is to be released on probation, the bill will require the probation officer to inform the person of the requirement to register.

**AB 729 (Bowler) Chapter 61**

This bill provides that the application for petition to receive a certificate of rehabilitation and pardon shall not apply to persons convicted of specified sex offenses against children.

**AB 1303 (Miller) Chapter 818**

This bill requires every person who is a sexually violent predator (SVP) to verify his or her address every 90 days in a manner established by the Department of Justice (DOJ) and requires the person to be notified of this increased registration requirement. Failure to comply with the 90-day registration requirement will be a felony or misdemeanor.

AB 1303 also requires DOJ to report to the Legislature on the implementation and effectiveness of this requirement. In addition, this bill adds pimping or pandering involving a minor, aggravated sexual assault of a child and solicitation to commit sexual assault to the list of sex crimes for which a convicted offender must register. AB 1303 brings California into compliance with the federal Jacob Wetterling Act.

**SB 314 (Ayala) Chapter 819**

This bill expands the provision in existing law that requires sex offender registration for persons discharged or paroled from the Department of Youth Authority (CYA) who have been adjudicated a ward of the court because of the commission of specified sex offenses to include sex offender registration of any person who has been adjudged a delinquent ward of the juvenile court for the commission of specified sex offenses and who is not placed in CYA.

**SB 882 (Schiff) Chapter 820**

This bill requires persons who are required to register as sex offenders who have no residence address to update their registrations at least once every 90 days, in addition to the requirement that they register within 5 working days of coming into a city or county where he or she is temporarily resides or is domiciled. This bill will also provide that persons who have no residence address and who willfully fail to register pursuant to the 90-day requirement shall be punished by up to six months in jail.

**SB 1078 (Lockyer) Chapter 822**

This bill will remove the sunset date of January 1, 1998, from the 1-900 Child Molester Identification Line, will remove the sunset date of January 1, 1999, for CD-ROM availability, and create a new sunset date of January 1, 2001, for both programs. This bill will also require the Department of Justice, not later than January 1, 1998, to prepare an informational pamphlet for mailing to any person who makes an inquiry using the "900" telephone number and who provides an address.

## **VICTIM-WITNESS**

### **AB 79 (Granlund) Chapter 133**

This bill will establish a procedure for persons to receive lost or stolen serialized property recovered by law enforcement.

### **AB 139 (Poochigian) Chapter 101**

This bill requires the Department of Corrections (CDC) to provide notice to a community of the release of a violent felon from state prison if the community is within 100 miles of the residence of the victim, a witness or a family member of a victim who has requested notification. (Current law requires notice within 25 miles or to a community within the same county.)

### **AB 152 (Morrow) Chapter 902**

This bill will provide that where the defendant is subject to an indeterminate sentence, the victim and other persons to whom these provisions apply may have their statements simultaneously recorded and preserved by means of videotape, videodisc or any other means of preserving the statement. This bill will also require the Board of Prison Terms to consider statements from members of victim's immediate family in deciding whether to release the prisoner on parole. This bill will also provide to the prosecutor, victim and other persons covered by these provisions the right to appear before the board by means of videoconferencing, as defined, if videoconferencing is available at the hearing site. This bill requires a 2/3's vote because it amends an initiative statute.

### **AB 207 (Frusetta) Chapter 498**

This bill, entitled "The Hayden and Frusetta Witness Protection Act of 1997," provides that no attorney or persons employed by either the attorney or the court may disclose or permit to be disclosed the address or telephone number of a victim or witness to members of the defendant's family or anyone else. Existing law, added by initiative statute, provides that no attorney may disclose or permit to be disclosed to a defendant the address or telephone number of a victim or witness whose name is disclosed to the attorney through discovery, unless specifically permitted to do so by the court after a hearing and a showing of good cause.

### **AB 249 (Cunneen) Chapter 19**

This bill authorizes the testimony of a witness conditionally examined to be video-recorded and will provide that the recording may be shown by either party at trial if the court finds that the witness is unavailable.

### **AB 566 (McClintock) Chapter 100**

This bill requires wardens of state prisons to invite the members of the immediate family of the victim (indirect victims) to witness the defendant's execution, if a member so requests in writing.

### **AB 807 (Scott) Chapter 846**

This bill revises existing law relative to procedures and rights of victims of sexual assault to provide that the victim has a right to have victim advocates present at any interview by law enforcement authorities, district attorneys or defense attorneys. AB 807 also provides that prior to the commencement of any initial law enforcement interview or attorney contact, the victim shall be notified orally or in writing by the attending law enforcement authority or district attorney that the victim has the right to have victim advocates as well as a support person of the victims' choosing present at the interview or contact. In addition, this bill requires the law enforcement officer or his or her agency to immediately notify the local rape victim counseling center whenever a victim of an alleged violation of specified sex offenses is taken to a hospital for any evidentiary or physical examinations and that the same conditions above with respect to advocates, a support person and notification apply to an examination.

AB 807 was amended to specify that an initial investigation by law enforcement at the crime scene to determine whether a crime has been committed and the identity of the suspects shall not constitute a law enforcement interview and to provide that notification shall also apply to investigators and agents employed or retained by law enforcement or the district attorney. In addition, AB 807 was amended to contain an urgency clause.

#### **AB 856 (Hertzberg) Chapter 507**

This bill will establish a statewide “Witness Protection Program” to be run by the Attorney General’s (AG) office to provide for the relocation or other protection of a witness in a criminal proceeding where there is credible evidence, as defined, of substantial danger that the witness may suffer intimidation or retaliatory violence. This bill provides that the AG be authorized to enter into an agreement with the witness in accordance with specified terms. This bill requires the AG to apply to the State Board of Control (BOC) for reimbursement from the Restitution Fund for the costs incurred in providing services under the program and for grants allocated to county district attorney’s offices that elect to continue administering a pre-existing witness protection program, as specified.

#### **AB 1132 (Alby) Chapter 266**

This bill requires any compensatory or punitive damages awarded by trial or settlement to a prisoner to be paid directly to any outstanding restitution orders or restitution fines against the prisoner after payment of reasonable attorney’s fees and litigation costs approved by the court. This bill also requires the Department of Corrections to notify the victims of the crime for which the prisoner was convicted concerning the pending payment of any compensatory or punitive damages.

#### **SB 150 (Kopp) Chapter 527**

This bill makes the following changes to the Victims of Crime Restitution provisions: (1) it provides that a final judgment from the Department of Real Estate for payment from the Recovery Account includes a state or federal criminal restitution order; (2) it extends the jurisdiction of the municipal court to include all actions to enforce restitution orders or restitution fines that were imposed by the municipal court; (3) it requires every employer to give any employee who is a victim of a crime that occurred at the employee’s place of employment written notice that the employee is eligible for workers’ compensation for injuries that may have resulted from the place of employment; and (4) it authorizes the court to modify the amount of the restitution order on the motion of the victim or victims.

#### **SB 162 (Haynes) Chapter 703**

This bill extends the June 30, 1997, sunset date to January 1, 2000, on a comprehensive collection program for delinquent fines and forfeitures. It also eliminates the 60-day requirement to qualify for collection under the program and increases the fee for every person ordered or permitted to attend traffic violator school by \$24 until December 1998. This increase will be deposited in the General Fund. SB 162 also authorizes the Board of Supervisors of Riverside County to consolidate either or both of the following combinations: (1) the offices of county clerk, assessor and recorder; and (2) the offices of sheriff, coroner and public administrator. This bill specifies that a county who exercises the authority to receive reimbursement for the costs of operating a comprehensive collection program file a report to specified legislative committees.

In addition, SB 162 adds the counties of Sonoma and San Luis Obispo to the list of counties that are required to deposit \$50 for specified vehicle violations in a special account for exclusive allocation by the administrator of the county’s alcoholism programs with the approval of the board of supervisors.



**SB 940 (Leslie) Chapter 500**

This bill provides that to knowingly and maliciously prevent or dissuade or knowingly and maliciously attempt to prevent or dissuade any witness or victim from attending or giving testimony at any trial, proceeding, or inquiry authorized by law is punishable as either a misdemeanor or a felony. This bill also provides that evidence that the defendant was a family member who interceded to protect the witness or victim shall create a presumption that the act was without malice. This bill will impose an additional and consecutive penalty of 3 years imprisonment if a credible threat of violence or death were made by a criminal street gang member to prevent or dissuade a witness or victim of a violent felony from attending or testifying at the trial of the violent felony

**SB 1195 (Schiff) Chapter 910**

This bill requires that the following be provided to victims of juvenile crime: (1) probation officers notify victims of their right to submit a victim impact statement for a disposition proceeding or fitness hearing; (2) district attorneys notify a victim of all court dates, continuances and dispositions concerning the case; (3) the victim be allowed to attend the disposition and/or fitness hearings.

## **WHITE COLLAR CRIME**

### **AB 195 (Murray) Chapter 578**

This bill will provide that any person who conducts or attempts to conduct aggregation of transactions involving monetary instruments in the amount over \$5,000 over a 7 day period or over \$25,000 within a 30-day period through a financial institution with the intent to promote, manage, establish, or carry on any criminal activity, or knowing that the monetary instrument represents the proceeds of, or is derived directly or indirectly from the proceeds of, criminal activity, is guilty of the crime of money laundering. It will also require that the person have the specific intent to commit the crime.

This bill will provide that the aggregation periods do not create an obligation for financial institutions to record, report, create, or implement tracking systems or otherwise monitor transactions involving monetary instruments in any time period. In addition, this bill will expand the definition of “financial institution” and will revise the definition of “monetary instrument”.

### **AB 1127 (Knox), Chapter 554**

This bill further defines illegal crimes regarding the possession, buying, selling, transferring, furnishing, or manufacturing of telecommunications equipment.

### **SB 438 (Johnston) Chapter 906**

This bill establishes the High Technology Theft Apprehension and Prosecution Program, effective until January 1, 2000, to fund programs to enhance the capacity of local law enforcement and prosecutors to deter, investigate and prosecute high technology-related crimes. This bill also adds telecommunication devices within the list of defendant’s assets subject to forfeiture and will include the offense of unlawfully using a telecommunications device intending to avoid the payment of any lawful charge for service to the device within the list of offenses for which forfeiture of assets may be sought.

## **MISCELLANEOUS**

### **AB 206 (Hertzberg) Chapter 416**

This bill establishes the Citizen Complaint Act of 1997, requiring state agencies to make available a plain language form through which individuals can register complaints or comments relating to the performance of that state agency. This bill also authorizes public libraries, to the extent possible, to provide Internet access to their patrons and to advertise that they provide Internet access.

### **AB 298 (Murray) Chapter 303**

This bill provides clarification to the law proscribing the sale of audio recordings and audiovisual works.

### **AB 920 (Davis) Chapter 931**

This bill requires the State Auditor to conduct a specified assessment of the needs of these local forensic laboratories and submit a report to the Legislature on the needs assessment by January 1, 1999. The bill appropriates \$275,000 for the report, as specified.

### **AB 1054 (Goldsmith) Chapter 472**

This bill exempts gift certificates from the prohibition on expiration dates if they are sold at a volume discount to an employer or for fundraising purposes. It also exempts gift certificates that are for food products.

**AB 1526 (Escutia) Chapter 449**

This bill provides that a child's counsel in a custody or visitation proceeding, if requested by the court, has a duty to prepare a written statement of issues and contentions setting forth the facts that bear on the best interests of the child. This statement will set forth a summary of information received by counsel, a list of the sources of information, the results of the counsel's investigation, and other matters as the court may direct. This bill also requires a statement of issues and contentions of the child's counsel to be considered when a judicial determination is made regarding custody or visitation.

**SB 8 (Lockyer) Chapter 867**

This bill establishes a two-phased statewide regulatory framework for gaming in California. The bill repeals the Gaming Regulation Act and instead enacts the Gambling Control Act.

**SB 198 (Kelley) Chapter 110**

This bill revises the current requirement that businesses which sell tobacco products post signs regarding sales.

**SB 327 (Greene) Chapter 105**

This bill extends indefinitely the power of the public housing authorities to obtain summary criminal histories of residents. The bill also expands the types of offenses which may be reported to the housing authorities, to include alcohol and drug-related offenses.

**SB 362 (Maddy) Chapter 116**

This bill provides that no health facility which declines to discharge, release, or transfer a person pursuant to a specified provision shall be civilly or criminally liable or subject to administrative sanction as a result, if the facility complies with that provision and acts in good faith.

**SB 449 (Sher) Chapter 13**

This bill restored the ability of a parent to seek damages for the wrongful death of a child for any cause of action arising on or after January 1, 1993, and stated that the intent of the Legislature was not to adversely affect the standing of parties in wrongful death actions when it passed prior legislation.

**SB 517 (Haynes) Chapter 880**

This bill exempts a person who operates or uses a shooting range from civil liability, injunction, or criminal prosecution if it complies with the laws in operation at the time the shooting range was approved for use.

**SB 631 (Burton) Chapter 354**

This bill revises the prohibition on the manufacture or fraudulent use of certain "slug" or "token" coins to conform with current federal policies.

**SB 688 (Ayala) Chapter 355**

This bill extends the sunset date on electronic surveillance, involving wiretapping of telephones, cellular phones, and pagers, by five years. It is due to sunset on January 1, 1998. If it does so, the ability to obtain wiretapping orders for cellular phones and pagers will be eliminated. The authority to obtain wiretapping authority for telephones is scheduled to sunset on January 1, 1999. This bill permits continued authorization for wiretaps of cellular phones, pagers, and telephones until January 1, 2003. This bill also clarifies that federal law enforcement agents may seek wiretapping authority in the same manner as California peace officers.

**SB 871 (Senate Committee on Public Safety) Chapter 324**

This bill corrects a number of erroneous cross-references and make other technical, non-substantive changes in various Penal Code sections. The bill also corrects an erroneous cross-reference contained in a Government Code section relating to compensation from the Restitution Fund.

**SB 949 (Schiff) Chapter 206**

This bill prohibits a person who holds, or who is seeking election or appointment to, any office from, directly or indirectly, offering or arranging for any increase in compensation or salary for an employee of a state or local agency in exchange for, or a promise of, a contribution or loan to any committee controlled directly or indirectly by the person who holds, or who is seeking election or appointment to an office. A violation of this provision is punishable by imprisonment in the county jail not exceeding one year, a fine not exceeding \$5,000 or both.